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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/812,954	03/31/2004	Mark V. Peckham	M4065.0190/P190-C	4892
24998	7590	04/08/2005	EXAMINER	
DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP			KIM, PAUL D	
2101 L Street, NW			ART UNIT	
Washington, DC 20037			PAPER NUMBER	
			3729	

DATE MAILED: 04/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/812,954

**Applicant(s)**

PECKHAM ET AL.

**Examiner**

Paul D Kim

**Art Unit**

3729

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 30 and 32-39 is/are pending in the application.
- 4a) Of the above claim(s) 36-39 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 33 and 34 is/are allowed.
- 6) ☒ Claim(s) 30, 32 and 35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 3/31/04, 6/28/04.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

This office action is a response to the election of species filed on 2/7/2005.

#### ***Response to the Election of Species***

1. Applicant's election without traverse of Species A, claim 30 including newly submitted claims 33-39, in the reply filed on 2/7/2005 is acknowledged.

However, upon further review, examiner traverses that the newly submitted claims 36-39 is belong to Species B, which includes limitations such as a pair of parallel outer rails, a mid-element and a pair of parallel rails (same as a pair of inner rails as recited in non-elect claim 31). Species A recites at least a pair of parallel outer rails and a mid-element without a pair of parallel rails (same as a pair of inner rails). Therefore, the Species A is drawn to claims 30 and 32-35.

2. Claims 36-39 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 2/7/2005.

#### ***Specification***

3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: --A METHOD FOR POSITIONING A PRINTED CIRCUIT BOARD SUPPORT AT AN ASSEMBLY STATION--.

***Claim Objections***

4. Claim 35 is objected to because of the following informalities: The phrase "a pair of outer rails" as recited in lines 2-3 appears to be --the pair of outer rails--. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 30 and 32 are rejected under 35 U.S.C. 102(b) as being anticipated by Adams et al. (US PAT. 5,707,052).

Adams et al. teach a process of positioning a printed circuit board support comprising steps of: providing at least a pair of outer rails (15, 16) and a mid-element (28) between the pair of outer rails, and at least one component (20) for biasing each one of the out rails outwardly from the middle-element, the outer rails being movable toward each other by a compression force applied against the outer rails to fit the outer rails between surfaces on a positioning device (18); and placing the outer rails in abutting engagement with the surfaces on the positioning device by releasing the outer rails when the outer rails are between the surfaces as shown in Fig. 1 (see also, col. 2, line 57 to col. 4, line 48).

As per claim 32 at least one component (20) for biasing comprises at least one spring.

7. Claims 30, 32 and 35 are rejected under 35 U.S.C. 102(b) as being anticipated by Albert, Jr. (US PAT. 3,930,644).

As per claim 30 Albert, Jr. teaches a process of positioning a printed circuit board support comprising steps of: providing at least a pair of outer rails (7, 8) and a mid-element (15) between the pair of outer rails, and at least one component (24) for biasing each one of the out rails outwardly from the middle-element, the outer rails being movable toward each other by a compression force applied against the outer rails to fit the outer rails between surfaces on a positioning device (1); and placing the outer rails in abutting engagement with the surfaces on the positioning device by releasing the outer rails when the outer rails are between the surfaces as shown in Figs. 4-8 (see also, col. 2, line 9 to col. 6, line 21).

As per claim 32 at least one component (24) for biasing comprises at least one spring.

**Alternately**, as per claim 30 at least a pair of outer rails (5, 6) and a mid-element (14, 15) between the pair of outer rails, and at least one component for biasing each one of the out rails outwardly from the middle-element (as shown in Fig. 4), the outer rails being movable toward each other by a compression force applied against the outer rails to fit the outer rails between surfaces on a positioning device (1);

As per claim 35 at least one first rod (11) is fixed at one end thereof to one of the at least the pair of outer rails and at least one second rod (3) is fixed at one end thereof to another of the outer rails.

***Allowable Subject Matter***

8. Claims 33 and 34 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. The following is a statement of reasons for the indication of allowable subject matter: The prior art of record fails to disclose the claimed invention such as the support is positioned on a metal plate and is held thereon by at least one magnet. It is not obvious taken alone or in combination of other references fairly to suggest the claimed invention.

***Conclusion***

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul D Kim whose telephone number is 571-272-4565. The examiner can normally be reached on Monday-Friday between 8:00 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on 571-272-4690. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Paul D Kim  
Examiner  
Art Unit 3729